

**UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MASSACHUSETTS**

DAN STADELMAN,)
)
Plaintiff)
) **Case No.:**
v.)
) **COMPLAINT AND DEMAND FOR**
ALLIED INTERSTATE LLC f/k/a) **JURY TRIAL**
ALLIED INTERSTATE, INC.,)
) **(Unlawful Debt Collection Practices)**

COMPLAINT

DAN STADELMAN (“Plaintiff”), by and through his attorneys, KIMMEL & SILVERMAN, P.C., alleges the following against ALLIED INTERSTATE, LLC f/k/a ALLIED INTERSTATE, INC. (“Defendant”):

INTRODUCTION

1. Plaintiff’s Complaint is based on the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et seq.* (“FDCPA”).

JURISDICTION AND VENUE

2. Jurisdiction of this court arises pursuant to 15 U.S.C. § 1692k(d), which states that such actions may be brought and heard before “any appropriate United States district court without regard to the amount in controversy,” and 28 U.S.C. § 1331 grants this court original jurisdiction of all civil actions arising under the laws of the United States.

FACTUAL ALLEGATIONS

11. At all relevant times, Defendant was attempting to collect consumer debts of other persons.

12. Upon information and belief, the alleged debts at issue arose out of transactions, which were primarily for personal, family, or household purposes.

13. Beginning in or before September 2013, Defendant made continuous and repetitive calls to Plaintiff on his home phone.

14. Plaintiff does not owe the debt Defendant was attempting to collect.

15. Instead, the debts Defendant was attempting to collect allegedly were owed by “Jennifer and Solomon Karim” and “Linda.”

16. Plaintiff often would receive calls from Defendant and immediately hang-up.

17. After calls persisted, and wishing to stop the collection calls, on September 20, 2013, Plaintiff answered the phone and spoke with one of Defendant’s collectors, who identified herself as “Tiffany.”

18. “Tiffany” falsely stated that Plaintiff’s home telephone number had been provided as a secondary contact number for a “Jennifer and Solomon Karim.”

1 19. Upon information and belief, Defendant performed a skip trace and
2 obtained Plaintiff's home telephone number.

3 20. Plaintiff's home telephone number has never been a contact number
4 for "Jennifer and Solomon Karim," and "Jennifer and Solomon Karim" have
5 never resided in the Commonwealth of Massachusetts or at Plaintiff's residence.
6

7 21. Then, "Tiffany" inquired whether she could speak with "Linda."
8

9 22. Plaintiff informed Defendant that the number it was calling was not a
10 good number for "Linda" and to remove his number from their call list.

11 23. "Linda" is Plaintiff's ex-wife.
12

13 24. "Tiffany," however, would not agree to remove Plaintiff's number,
14 insisting it was "a good number for, Linda."

15 25. When making this false statement, Defendant had no information to
16 contradict Plaintiff's statement that it was calling the wrong number.
17

18 26. While on the phone with "Tiffany," Plaintiff looked up Defendant's
19 name and realized that it was a debt collector calling.

20 27. When he asked "Tiffany" if she was calling from a debt collection
21 company, "Tiffany" responded that "this is personal business matter for the
22 debtors."
23
24
25

1 28. Knowing that he was being called by a debt collector and frustrated
2 by “Tiffany’s” insistence that she would keep calling his home telephone number,
3 Plaintiff demanded to speak with a supervisor.
4

5 29. After much arguing, Plaintiff was finally transferred to a supervisor.

6 30. The supervisor claimed that he would remove Plaintiff’s phone
7 number from its database.
8

9 31. Upon information and belief, Defendant did not remove his phone
10 number from its database; instead, Defendant continued to call Plaintiff in its
11 attempts to collect consumer debts of other persons.
12

13 32. On or about September 27, 2013, Defendant called Plaintiff’s home
14 telephone number.

15 33. This time, Plaintiff’s minor daughter answered the phone.

16 34. Defendant’s collector, who identified herself as “Tiffany,” asked to
17 speak with “Jen.”
18

19 35. Plaintiff’s minor daughter, believing that she has to answer
20 “Tiffany’s questions,” informed her that “Jen” did not live at the called number.
21

22 36. Then, “Tiffany” asked to speak with “Solomon.”

23 37. Plaintiff’s minor daughter responded that “Solomon” did not live at
24 the called number.
25

1 38. Then, “Tiffany” asked if she could have a phone number for “Linda,”
2 which Plaintiff’s minor daughter provided, as she believed she had to answer all
3 of “Tiffany’s” questions.
4

5 39. When Plaintiff learned about “Tiffany’s” conversation with his
6 daughter, he contacted Defendant and demanded to speak with a supervisor.
7

8 40. Defendant’s collector refused to put a supervisor on the phone, and
9 after placing Plaintiff on an indefinite hold, it hung up on him.

10 41. Enraged by Defendant’s conduct, Plaintiff retained legal counsel to
11 stop the collection calls.
12

13 42. While in the process of retaining counsel, Defendant again contacted
14 Plaintiff.
15

16 43. This time Defendant claimed it was calling for “Christina.”
17

18 44. “Christina” does not reside with Plaintiff and does not use Plaintiff’s
19 home telephone number as a contact number.
20

21 45. In fact, Plaintiff has not had any contact with “Christina” for more
22 than ten (10) years.
23

24 46. When he asked the collector where it got his number, the collector
25 replied that he did not know where the telephone number came from.

 47. Defendant contacted Plaintiff for the sole purpose of harassing,
abusing and annoying Plaintiff, as evidenced by the above recital of its conduct.

**DEFENDANT VIOLATED THE FAIR DEBT COLLECTION
PRACTICES ACT**

COUNT I

48. Defendant's conduct, detailed in the preceding paragraphs, violated 15 U.S.C. § 1692b(3).

a. Section 1692b(3) of the FDCPA prohibits a debt collector from communicating with any person other than a consumer more than once unless requested to do so by such person or unless the debt collector reasonably believes that the earlier response of such person is erroneous or incomplete and that such person now has correct or complete location information.

b. Here, Defendant violated §1692b(3) of the FDCPA by communicating with Plaintiff more than once about another person's debt, despite his repeated requests to stop calling him.

COUNT II

49. Defendant's conduct, detailed in the preceding paragraphs, violated 15 U.S.C. §§ 1692d and 1692d(5).

a. Section 1692d of the FDCPA prohibits a debt collector from engaging in conduct the natural consequence of which is to harass, oppress, or abuse any person in connection with the collection of a debt.

1 WHEREFORE, Plaintiff, DAN STADELMAN, respectfully prays for a
2 judgment as follows:

- 3 a. All actual damages suffered pursuant to 15 U.S.C. § 1692k(a)(1);
4
5 b. Statutory damages of \$1,000.00 for the violation of the FDCPA
6 pursuant to 15 U.S.C. § 1692k(a)(2)(A);
7
8 c. All reasonable attorneys' fees, witness fees, court costs and other
9 litigation costs incurred by Plaintiff pursuant to 15 U.S.C. §
10 1693k(a)(3); and
11
12 d. Any other relief deemed appropriate by this Honorable Court.

13 **DEMAND FOR JURY TRIAL**

14 PLEASE TAKE NOTICE that Plaintiff, DAN STADELMAN, demands a
15 jury trial in this case.

16 RESPECTFULLY SUBMITTED,

17
18 DATED: December 11, 2013

KIMMEL & SILVERMAN, P.C.

19 By: /s/ Craig Thor Kimmel

Craig Thor Kimmel

20 BBO# 662924

21 Kimmel & Silverman, P.C.

22 30 E. Butler Pike

Ambler, PA 19002

23 Phone: (215) 540-8888

24 Fax: (877) 788-2864

Email: kimmel@creditlaw.com